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# AMERICAN PROHIBITION

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THE beverage alcohol problem is a world problem. In its economic, social, political and moral aspects it presents one of the greatest international problems of the modern age.

The liquor problem in the United States of America is only a small part of the larger problem that confronts the world. Nevertheless, the American people are coming rapidly to understand that their liquor problem can never be solved completely until the larger world problem is at least well on its way toward solution. They are also coming to realize that American experience with prohibition must of necessity have a far-reaching influence on the solution of the larger problem. The success or failure of prohibition in America, therefore, is of real concern to those forces in every country who are grappling with this great question. If American prohibition succeeds, such success will undoubtedly accelerate the movement against alcoholism in other countries. If American prohibition should fail, such failure would undoubtedly tend to discourage the anti-alcohol forces in other parts of the world and to delay the final solution of the world-wide problem.

## IS AMERICAN PROHIBITION AN EXPERIMENT?

The press of almost every country apparently has considered national prohibition in the United States as a new method of dealing with the liquor problem and has emphasized

what it has been pleased to term the American experiment with prohibition.

Prohibition, however, is by no means a new method of dealing with beverage alcohol. The state of Maine has been under prohibition for almost seventy years. Kansas has had prohibition for almost half a century. North Dakota has had a prohibitory law ever since it became a state. More than half the other states of the American Union have been under state-wide prohibition for periods ranging from ten to twenty years. Hundreds of American cities, ranging in population from 10,000 to more than 100,000, each have been under prohibition for periods of from fifteen to thirty-five years, and thousands of other political units, such as villages, townships, counties and large portions of great metropolitan areas have had prohibition of beverage alcohol for more than a generation.

Before national constitutional prohibition went into effect in the United States of America, in 1920, 75 per cent of all the counties, 85 per cent of all the villages and 90 per cent of all the townships, in all the states, were already under prohibition by state enactments. Thirty-three of the forty-eight states were under state-wide prohibition laws. The District of Columbia, all Indian countries, all army posts and most of the territory controlled by Congress and the federal government, including Alaska and Hawaii, were under absolute prohibition by national legislation. Sixty-eight per cent of the entire population of the United States and 95 per cent of the land area were under prohibition before the national prohibitory law went into effect. The national law, therefore, as a matter of fact, simply extended the prohibition policy that formerly prevailed in

95 per cent of the land area, which included 68 per cent of the population, to the additional 5 per cent of the land area, in which lived 32 per cent of the nation's population.

American prohibition, therefore, is no experiment. The policy had been thoroughly tested during long periods of years in rural precincts, townships, villages, counties, cities and states. The experimental period for prohibition came long before the constitutional amendment was submitted by Congress. The submission of national prohibition and its adoption by the nation were deliberate acts, based upon long experience under the prohibition policy of an overwhelming majority of the American people.

#### OTHER PROPOSED SOLUTIONS THOROUGHLY TESTED

Before the United States of America decided upon the policy of prohibition, practically every proposed solution for the liquor problem that has been presented in any other country of the world and practically every proposed solution now advocated by the enemies of prohibition in America had been thoroughly tested and tried.

Early efforts of the American temperance forces were directed against drunkenness, finding their expression in laws dealing with the individual use of beverage alcohol. The difficulty in securing satisfactory results by such methods led the American temperance advocates to extend their efforts to the securing of laws regulating the sale of beverage alcohol with regard to hours of sale, persons to whom sales could be made, quantity to be sold to any individual at one time and with regard to periods in each week

when no sales were permitted. The scientific disclosures set forth by Dr. Benjamin Rush, during the thirty-five years following 1775, directed the attention of the American public to the important fact that the evils of beverage alcohol manifest themselves, not only in the form of drunkenness, but in many other ways. Following these revelations temperance reform activities took on new life. Farmers of Connecticut, for instance, joined together to exclude strong liquors from the harvest fields in 1789. Organized movements among citizens of Virginia, Pennsylvania and New England for combatting the evils of so-called hard liquor took shape in 1804, 1805 and 1806. The Billy Clark Temperance Society Against the Use of Ardent Spirits was organized in 1808 and church denominations, such as the Presbyterians, the Congregationalists and the Methodists, took action aggressively to combat the evils of alcoholism between the years 1811 and 1817. These efforts, however, were against distilled spirits, most temperance advocates of that period insisting that the use of beer and wine was not harmful. In fact, the first state temperance organization, in 1813, and the first national temperance organization, in 1826, were apparently imbued with the idea that if the use of distilled spirits could be stopped the beverage alcohol problem would be solved.

#### THE BEER AND WINE THEORY

The advocacy of beer and wine as the ideal solution for the alcohol problem, to which the anti-prohibitionists of today are pinning their hopes, is by no means new. Between 1810 and 1840 the beer and wine theory had its really great inning. Every argument now used in favor of beer and

wine was then emphasized. Ministers in church denominations were sharply divided on the question. Members of state and national temperance organizations could not agree on a beer and wine policy, and were, therefore, compelled to make their fight as organized forces against distilled spirits, while the enemies of all temperance reform grasped their opportunity and advocated the use of beer as a real temperance beverage. As a result the beer habit was fastened upon the American people, while the beer industry and the consumption of beer continued to increase by leaps and bounds for almost seventy years thereafter. It is a significant fact that while the per capita consumption of distilled spirits in the United States decreased from two and one-half gallons in 1840 to about one and one-half gallons in 1907, the per capita consumption of malt liquors increased during the same period from slightly more than one and one-third gallons to more than twenty gallons. The great increase in the consumption of beer increased the consumption of pure alcohol.

With the failure of beer to solve the problem of intemperance and on account of the growing tendency of the retailers of beverage alcohol to disregard all regulations, restrictions and laws which had been enacted to reduce the evils of alcoholism, the so-called license system came into vogue. The champions of the license system insisted, on its behalf, that by placing a license on the traffic, by compelling every one who sold intoxicants to have a license and by providing for the withdrawal of the license from those who failed to observe the rules and regulations laid down, the liquor problem

would quickly be solved. The theory appeared plausible. The license provision was to be like the sword of Damocles, constantly hanging over the head of those who sold intoxicating liquors to compel them to obey the law and to see that their customers were temperate. The result was disastrous. The only good in the license laws was in the prohibitions contained in those laws. The license system, supplemented by the revenue system, soon turned the sword of Damocles into a great shield of protection and did more to entrench and promote the liquor traffic in America than any other system ever devised for the purpose of curtailing its evils.

The promotion of beer as the great American so-called temperance drink and the growing evils resulting from its rapidly increasing use soon brought the temperance and moral reform forces to a united effort against all intoxicating liquors, including both beer and wine.

The Washingtonian movement of 1840 inaugurated the new crusade against intemperance, which for more than a quarter of a century manifested itself in the form of membership temperance organizations, such as "The Sons of Temperance," the Good Templars, the "Dashaways," the "Teetotalers," the "Templars of Honor and Temperance," the "Rechabites" and numerous similar organizations. Through these organized efforts hundreds of thousands of American citizens pledged themselves to abstain from the use of all beverage alcohol and to use their efforts to prevent its use by others. The splendid educational work done by these organizations not only formed the foundation upon which was builded the



Prohibition party in 1868 and the Woman's Crusade of 1873, out of which grew the Woman's Christian Temperance Union, but it created a public sentiment throughout the nation, resulting in the adoption of prohibition laws in a large number of states just prior to the outbreak of the Civil War.

#### THE GOVERNMENT CONTROL PLAN

The aroused liquor forces, spurred to action by the state prohibition campaigns just prior to the war and encouraged by the action of the government, which placed heavy taxation on the liquor traffic for war purposes, made every effort following the war to perpetuate the evil by both federal and state systems of taxation for revenue. The renewed activities of the temperance forces, however, after the conflict between the states and the troublesome reconstruction period that followed, began to make great headway again toward state prohibitory legislation. Temperance compromisers, together with the friends of the liquor traffic, thereupon evolved the scheme of so-called government control, which was the name applied for deceptive purposes for what in reality was nothing more or less than government promotion of the beverage liquor traffic and government sale of beverage alcohol. Government participation under the dispensary system was heralded as the Utopian scheme for the solution of the problem. Great numbers of villages and cities, especially in the South, promptly established municipal dispensaries. State governments hastened to avail themselves of this new cure for the evils of alcoholism. County dispensaries in state after state came into existence under state control. The most complete dispensary system was established in

South Carolina, where it continued in operation until the people of that state and all the other states where the system had been inaugurated awoke to discover that the dispensary, which officially placed the state in the retail liquor business and which elevated the saloonkeeper and the bartender to positions as state public officials, had fostered and created perhaps the greatest system of graft and political corruption that those states had ever known. Long before the final campaign for national prohibition the states had repealed all laws providing for dispensaries and for government sale.

#### PROHIBITION THE ONLY SOLUTION

More than half a century of effort on the part of the American people to find a solution for the beverage alcohol problem gave full opportunity for trying out and thoroughly testing every possible device and every known method which had been proposed and which has since been proposed as a panacea for the evils of the traffic. One by one they were tested and put into operation, with the result that after full and fair trial they were found to be not only inadequate, but in most cases subversive of the very purpose for which they were inaugurated.

Thus the students of the social and political phases of the alcohol problem and the temperance forces generally were driven to the inevitable conclusion that the only adequate solution of the problem was to be found in absolute prohibition.

Public opinion, however, throughout the nation was not sufficiently strong to make national prohibition an early possibility. In most of the states, moreover, the majority sentiment was still against such a radical

method. Consequently there came into operation in most of the states the local option system, whereby the people of any community, township, village or county were enabled to establish prohibition so soon as the sentiment in any such political unit became strong enough to secure its enactment.

Local option was the great entering wedge for state prohibition. It also furnished the opportunity for extensive educational campaigns, in which the merits of prohibition were publicly discussed and appeared in the press in practically every village and hamlet of every state outside the great metropolitan cities, where the liquor interests were strong enough to control the press and to prevent the kind of educational campaigns conducted in practically all other parts of the nation.

As municipality after municipality and rural district after rural district came under prohibition by the local option route it was soon discovered that full enforcement of prohibition in such small political units required the co-operation of surrounding units and of counties as a whole. Thereby county option came into vogue. But as county after county thus came under prohibition, until a majority of all the counties of the nation had adopted the prohibition policy, it became apparent that complete enforcement of prohibition in the counties required state action. Moreover, as state after state finally came to adopt prohibition as a state-wide policy it became increasingly evident that complete enforcement of prohibition in the state required national action. Hence American prohibition was not a revolution. It was an evolution.

#### PUBLIC OPINION AND PROHIBITION

The sure foundation of national prohibi-

tion was laid during the thirty years prior to 1917 by the methods of local option for villages, townships and counties and by state-wide referendum elections, by educational speaking and press campaigns and by scientific temperance instruction in the public schools.

Before national prohibition sixty-six of the ninety-six members of the United States Senate represented, in the federal government, states that had already adopted prohibition as a state policy, while 70 per cent of the members of the lower house of Congress represented congressional districts already under prohibition, either through local option or by state law.

The official majority for the adoption and ratification of the Eighteenth Amendment to the Federal Constitution is unparalleled in the history of the republic. The first eleven amendments to the Constitution were ratified by the bare three-fourths majority required. When it came to the Twelfth Amendment we had seventeen states, but four of those failed to ratify. Five states failed to ratify the Thirteenth Amendment. Four failed to ratify the Fourteenth. Six states did not ratify the Fifteenth Amendment. Six did not ratify the Sixteenth Amendment. Twelve states did not ratify the Seventeenth Amendment and ten states have not ratified the Nineteenth Amendment. In the case of the Eighteenth Amendment, however, of the forty-eight states, forty-six ratified.

The aggregate majority for the original Constitution in all the state ratification conventions was about two to one. The aggregate majority for ratification of the Eight-

eenth Amendment in all the State Legislatures was more than four to one.

Prior to the outlawing of the liquor traffic by Congress and the states the opponents of prohibition were given eminently fair consideration. They always had the distinct advantage in the contest.

So long as they could hold just one more than one-third of either house of Congress they were able to prevent national prohibition. Six wet states, through their representatives in the lower house of Congress, could have prevented national prohibition, but the liquor traffic finally reached the point where it could not hold to its support even the Congressmen from those six wet states.

Even after national prohibition was submitted by Congress it had to run the gauntlet of ninety-six state legislative bodies (two in each state). So long as the liquor interests could hold the support of a bare majority in one house in each of thirteen states they were able to block national prohibition. But they could not hold even that margin. Out of the ninety-six state legislative bodies ninety-three voted to ratify.

By all proper standards the Eighteenth Amendment and the national prohibitory law were nothing more nor less than the translation of American public opinion into law.

#### ENFORCEMENT AND OBSERVANCE

The great problem of enforcement of national prohibition is to be found in the large metropolitan areas, mostly along the northern and central Atlantic seaboard and along the international boundaries. The home-brew menace, which arose in the first three years following the going into effect of national prohibition, has very greatly subsided.

The novelty has worn off and the concoctions produced by that process have not proved to be either satisfactory to the old toppers or alluring to new recruits. Equipment for home stills has come to be a drug on the market, while the increased efficiency of both state and national enforcement operatives has made that particular source of supply for sale purposes both unprofitable and dangerous.

Moonshining is likewise on the wane. There are certain sections, especially along the Appalachian mountain ranges, where moonshine stills continue to operate, but their operation is far more dangerous than it has ever been in the past and the federal internal revenue department is coping with this particular source of supply fully as effectively as before national prohibition came. The greatest present sources for the supply of bootleg liquor are the diversion of industrial alcohol to bootleg channels through denaturing plants and the smuggling of alcoholic beverages across the international border. The rapid progress made by the federal government during the last two years in dealing with these two main sources of supply is probably more responsible than any other factor for the tremendous counter drive which has recently been made by what remains in America of the old beverage liquor interests, which drive has manifested itself in recent hearings before United States Senate committees, in efforts put forth for so-called referendum campaigns and in the special activity in certain normally wet states and congressional districts for the election of Congressmen and United States Senators who agree to stand for modification.

The organization of a new federal enforce-

ment department, to cope with the problems which were to be expected in connection with the enforcement of the federal law, has very naturally not been without many difficulties. Temptations to moderately paid operatives have been very great. There has been considerable corruption of law enforcement officers—local, state and national—but no unprejudiced student of enforcement conditions can but admit that effective and splendid progress has been made against great odds in the enforcement of the law and that with every passing month increased efficiency, wider activity and greater success in every way marks the record of the federal enforcement department. There is evidence, also, of more activity and greater effectiveness during the past year on the part of state enforcement officials in most of the states. Taking everything into account the progress in enforcement thus far is most encouraging.

The American people are rapidly coming to recognize the fact that adequate enforcement of the law is not to be secured by spasmodic efforts or by any revolutionary process. They are coming to understand that the fight for complete enforcement must, of necessity, be a long, hard drive and that eternal vigilance will be necessary. They understand, moreover, that the problem of law observance is even more important than that of law enforcement and that observance of the prohibition law has implications that are far-reaching and that are bound eventually to affect the attitude of the people generally toward other laws. This wholesome lesson is being learned even by those who were first inclined to treat the prohibition law with less deference than other laws in the

enforcement of which they are particularly interested. While both law enforcement and law observance are far from being what they should be and what they must be, nevertheless progress is being made and conditions are constantly improving.

Adequate enforcement and adequate observance will not be secured until the people in all sections obey the law, not only because it is the law, but also because of their belief in and devotion to the principle of righteousness back of the law.

#### IS PROHIBITION A SUCCESS OR A FAILURE?

There is a vast difference between the question as to whether prohibition in America is a complete success and the question as to whether it is a substantial success and a greater success than any other tried method. In determining the success or failure of prohibition some factors that have to do with common knowledge of conditions should be taken into account. It is not necessary to gather a mass of statistics to determine certain facts that have very much to do with answering the question.

The average observing individual can easily answer for himself the important question as to whether, as a rule, there is now greater or less evidence of the beverage liquor traffic and its evils on the streets of any city, on railroad trains, in interurban and street cars, hotels, restaurants, manufacturing plants, business houses, local, state and federal public buildings, city council chambers, state legislative halls and congressional lobbies. The average casual observer who recalls conditions before the adoption of prohibition can easily tell for himself whether today there is more or less evidence of drinking and drunkenness at public meetings, in caucuses, state,



local and national political conventions, fairs, baseball and football games, holiday celebrations and functions of almost every public character.

Is it reasonable to believe that a commodity such as liquor, which was before prohibition advertised perhaps more widely than any other commodity in the newspapers, magazines, on billboards and electric signs all over the country and which was sold openly in hundreds of thousands of retail establishments on the principal street corners of our cities and towns, would have a larger sale and consumption now that all advertisements have been prohibited; that the entire trade has been outlawed and that when one wishes to purchase a drink he must resort to clandestine places and methods and even then not be certain as to whether he will be poisoned or whether he will be arrested?

If the liquor now used is so deadly and yet more than ever is used, as many enemies of prohibition insistently aver, how does it happen that the public health record of the nation is so much better in recent years and that the national death rate has been lower since national prohibition went into effect than at any other time in the history of the republic?

These questions answer themselves and they apply not only to those sections of the nation which were under prohibition before national prohibition was adopted, but they also apply to those great American cities where the greatest problems of enforcement and observance are presented.

#### IS AMERICAN PROHIBITION IN DANGER OF REPEAL OR MODIFICATION?

A large portion of the metropolitan press

in America, as well as the press in most other countries, during recent months, has given the casual reader reason to believe that the question of repeal or serious modification of the national prohibitory law is at present a real issue in the United States. A few salient facts are worthy of consideration in this connection.

Under the Constitution of the United States the Constitution itself is not amended or changed by newspaper reports, by action of state officials in any state or by popular referendums. There is but one way of changing the Constitution of the United States, consequently there is but one way of changing or repealing the Eighteenth Amendment to the Constitution. Two-thirds of the members of each of the two houses of Congress would first of all have to submit a proposed change in the Eighteenth Amendment to the several states. After such a submission three-fourths of the states would need to ratify such a proposal before any such change or repeal could be made. Therefore, so long as thirteen of the forty-eight states stand firm for the Eighteenth Amendment as it is there can be no repeal of that portion of the Constitution. The leaders of the opposition understand full well that there is not the slightest hope of securing the repeal of the Eighteenth Amendment to the Federal Constitution.

The national prohibitory law, which is the code putting into effect the Eighteenth Amendment, could, of course, be changed by a majority vote in both houses of Congress, with the approval of the President of the United States. If the President did not approve of such modification it would require a two-thirds majority in each of the two

houses of Congress. Where, however, are the votes in Congress to come from in order to provide the required majority for a modification of the national prohibition code? Certainly such votes are not likely to come from Congressmen representing districts in the states of Maine and Kansas and a score of other states where the sentiment of the people is overwhelmingly in favor of prohibition. Certainly such votes cannot be expected from United States Senators representing states where the sentiment is so strong that those states would be under prohibition even if national prohibition did not exist. If the modification program were to receive the support of every Congressman representing a normally wet district it could not thus muster 30 per cent of the votes in the lower house of Congress, and if such modification scheme were to be supported by every United States Senator who represents a normally wet state it could not thus muster for its support one-third of the membership of the Senate. No one knows better than the wet leaders in and out of Congress that the hope of weakening the national prohibition law is so remote that it need not be given serious consideration.

Without doubt the only tangible result which the modificationists can reasonably hope to secure by all the noisy campaigns before Congress, in hearings by committees, in action by State Legislatures, in congressional, senatorial, gubernatorial primaries and elections with wet candidacies, or in so-called state referenda, is to encourage the spirit of nullification in the wet centers of the nation and temporarily to strengthen the backbones of bootleggers and other prohibition law violators.

The problem which the prohibition forces in America face today is not the repeal of the Eighteenth Amendment or the weakening of the national prohibition law. It is, rather, poor observance and lax enforcement in a few great wet cities. This condition can be greatly helped by a greater degree of efficiency in the state and federal enforcement departments, but it can be dealt with, adequately, only through educational processes, which, of necessity, are slow and tedious—but sure.

#### PERMANENCY OF PROHIBITION ASSURED

Of all the factors that need to be taken into account in any prognostication as to the future of American prohibition, probably the most important and the most significant are those which have to do with the economic, social and industrial requirements of the new day which the United States of America faces.

Economic and industrial demands had much to do with the adoption of American prohibition. Those demands are more imperative by far today than they were when prohibition was adopted six years ago. Transportation and communication have been undergoing a real transformation during the past decade. The new industrial revolution, in the throes of which the United States of America now finds herself, has made remarkable progress during the last six years. Where unskilled labor was an important factor in industry only a few years ago, the requirement now is for skilled workmen, with clear eyes, keen wits, steady nerves and unclouded brains. The transformation in this respect, for instance, in the steel industry, in mining operations, in transportation and in many other lines involving the vast majority

of industrial enterprises and industrial workers, as well as involving the protection and safety of the public as a whole, is nothing short of a modern miracle. Locomotive engineers, operators of electrical machines that have been multiplied by leaps and bounds in all the leading industries, drivers of 20,000,000 automobiles and auto trucks, which have more than doubled since prohibition was adopted, to say nothing of airship pilots and mechanics and other operators in absolutely new enterprises, which in more intimate relationship than ever before link the industrial worker with the electric dynamo, all help to raise the pertinent and significant question as to where, in this new industrial revolution, is the place for beverage alcohol.

Thus there are being created new laws to help support the Eighteenth Amendment and the national prohibition code in modern industrial America. Those new laws are not written on state or national statute books, but they are unavoidable, relentless and irrevocable. They are the laws of efficiency, exactitude, elimination of waste, conservation of man power, speed and safety. There can be no escape from the inevitable operation of these laws of the new age. Beverage alcohol belongs to a lower and a slower civilization.





